

# **EXHIBIT 4**

1                   UNITED STATES DISTRICT COURT  
2                   FOR THE MIDDLE DISTRICT OF NORTH CAROLINA  
3                   No. 1:19-cv-00477-CCE-LPA

4                   THE ESTATE OF NAJEE ALI BAKER,        )  
5                   by and through his Ancillary        )  
6                   Administrator, Jemel Ali Dixon,    )  
7    )  
8                   Plaintiff,                            )  
9    )  
10                   vs.                                    )  
11    )  
12                   WAKE FOREST UNIVERSITY, et al.,    )  
13    )  
14                   Defendants.                            )  
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15                   DEPOSITION OF JAMES GRAVELY  
16    )  
17    )  
18    )  
19    )  
20    )  
21    )  
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23    )  
24    )  
25    )

Reported in Stenotype by  
Jana F. Collins

Transcript produced by computer-aided transcription

1 police there. Now we did consider safety and that's  
2 why we didn't treat them exactly the same and we did  
3 have security there, but we thought that throwing a  
4 bunch of police officers in there is not going to,  
5 it's not going to help. It could potentially make  
6 it worse because you just, you're treating them like  
7 they're criminals.

8 Q Wouldn't a way to make things equal is to  
9 have police officers attend the, the on campus  
10 fraternity events as well?

11 A It's just not practical. They would have to  
12 hire 30 more officers, you know, to -- if you were  
13 going to staff because there may be several parties  
14 in one night and, and to try to staff every one of  
15 those parties equally, it's just not practical. You  
16 can't, you can't hire that many officers and, and  
17 keep a reasonable budget.

18 Q Could you also not open the barn to parties  
19 at all?

20 A Well, the reason why the barn exists is for  
21 the NPHC groups and they may not have enough members  
22 on campus to do their fundraising so that was  
23 created so they would have a place to go and why  
24 would you exclude them? They didn't have a lounge  
25 like the other fraternities do. Why make them feel

1       excluded because they don't have enough members  
2       because the campus population wasn't diverse enough  
3       to where they could have enough members? It's  
4       mainly a white campus.

5           Q       I'm going to stay on this issue, but I want  
6       to give us a frame of reference. It sounds like  
7       after Dean Goldstein arrived, the event management  
8       policies and plans for the barn were changed, were  
9       changed. Would you agree with that?

10          A       Yes.

11          Q       And would you agree that Dean Goldstein put  
12       an emphasis on removing law enforcement from the  
13       management of barn events?

14          A       Yes, we shouldn't have been managing the  
15       events.

16          Q       And would you agree that Dean Goldstein put  
17       an emphasis on the need for minimal officer presence  
18       at the barn during barn events?

19          A       Yes.

20          Q       And in fact, it was one of his goals to  
21       remove all officers from inside the barn during barn  
22       events?

23          A       Yes.

24          Q       And would you agree that as a result of Dean  
25       Goldstein's initiatives, the barn management plan

1 that was in place on January 19, 2018 was to have  
2 one single officer outside the barn in his patrol  
3 car during the barn event?

4 A Not just for that event but for all of them  
5 and it was working. It was working really well.  
6 The violence reduced tremendously during that time.  
7 The things that we're reading, these after action  
8 reports where all this violence, all these fights  
9 happened that was pre-Goldstein's plan. And, and,  
10 but after we implemented that and we would meet and  
11 we would discuss where we can improve like the  
12 lights being turned on and off. We put a special  
13 piece on that where you had to have that special  
14 piece so there was all -- everything was done with a  
15 conscious effort. It was, it was thought about. It  
16 just wasn't haphazardly done and it was working. It  
17 was working really well. I don't think that that  
18 one officer being there is the cause of the shooting  
19 because you could go to the gas station and get  
20 shot. There's bad people everywhere and it's tragic  
21 and it's extremely unfortunate. It's heartbreaking,  
22 but I don't think that his plan is the reason why  
23 this happened.

24 Q Now I just want to fully understand Dean  
25 Goldstein's plan. Under his plan, is it true that

1 police officers who had previously staffed barn  
2 events were replaced by student event resource  
3 managers?

4 A Not solely by themselves. We had Rhino  
5 involved. We had ERMs. We had the host  
6 organization. It's not like we just took everything  
7 out of the event management. We just put the people  
8 who should be managing the event managing the event.  
9 It shouldn't be managed by police officers. We're  
10 responsible for security and we're not responsible  
11 for checking tickets or IDs and things like that.

12 Q Let's look at a document so we can talk in  
13 kind of concrete terms what the plan looked like  
14 after it was implemented. It's been previously  
15 marked Exhibit 30. I might also share my screen so  
16 we can zoom in on things, but let me introduce it.  
17 Exhibit 30 should be appearing on your end,  
18 Lieutenant.

19 A I see it.

20 (EXHIBIT 30 WAS MARKED FOR  
21 IDENTIFICATION)

22 Q It's Date-stamped WFU 24 through 32.

23 A I have it.

24 Q Have you had a chance to review Exhibit 30?

25 A I looked over it. Yes, sir.

1 Q Have you seen this document before?

2 A I don't remember.

3 Q Have you seen this, this -- an event  
4 planning evaluation form like this before?

5 A If I have, I don't remember.

6 Q Okay. So I want you to skip, if you would,  
7 and I'm going to share my screen so we can all look  
8 at it to WFU 31. Let me share my screen because  
9 I've rotated it so we can all see it a little bit  
10 better. Are you able to see my screen, Lieutenant  
11 Gravely?

12 A Yes.

13 Q Tell me if you need me to zoom in or zoom  
14 out or move, but does this diagram accurately depict  
15 the staffing plan in place after Dean Goldstein  
16 implemented the changes to that plan for the barn?

17 A The plan changed several times. When we  
18 would find a hole, we would fix it, you know, or do  
19 what we could to try to fix it. So throughout his  
20 time there working with the barn events things  
21 rotated and moved and changed a lot.

22 Q Okay. Let's talk about this particular  
23 setup to see if it's consistent with at least a plan  
24 that was in place at sometime during your tenure as  
25 event sergeant. Do you see the key here, event

1 Q And as a law enforcement officer, you would  
2 agree that if you're on notice that fights can break  
3 out at student social events you want to make sure  
4 to have folks there who can respond aggressively and  
5 appropriately?

6 A Well, fights could break out on the fly.  
7 That's happened. Fights can break out downtown, but  
8 you can't put police everywhere there's a potential  
9 for a fight because there's not enough police  
10 officers in existence.

11 Q But you can put police officers at places  
12 where the potential goes up because of the nature of  
13 the event that's being held and the nature of the  
14 event, right?

15 MS. PALVIA: Objection.

16 A It depends on the situation.

17 Q Based on your experience and specifically  
18 based on your experience on November 16, 2013 at  
19 least as to that event, it was your view that more  
20 manpower was needed at barn events to be able to  
21 respond appropriately when fights broke out, right?

22 A We were responsible for hosting the event  
23 pretty much. We managed the entire thing and if  
24 that responsibility is going to be our sole  
25 responsibility, yes, I believed that at the time.

1       But it was not just the fights. It was for  
2       everything, managing the event and, and after I seen  
3       how, how good it worked, the implementation of  
4       Goldstein's plan, it, it was great. It, it didn't  
5       require as many officers because they went so much  
6       better.

7           Q       Under Goldstein's plan, were there any  
8       officers inside the barn to respond to fights if  
9       they broke out?

10          A       Not unless there was a reason for them to be  
11       in there. Their post is outside the barn.

12          Q       Under Goldstein's plan, were there any  
13       officers along the roadway either during or after  
14       the event to be on scene if fights broke out as  
15       attendees left the event?

16                MS. PALVIA: Objection.

17          A       Well, there were patrol officers on the  
18       campus and on the roadway as part of the campus, but  
19       they weren't assigned to be there, no.

20          Q       There were no officers assigned to be on the  
21       roadway under Goldstein's plan?

22          A       No.

23          Q       Were there any officers under Goldstein's  
24       plan to monitor the parking lot, lot W, during and  
25       after barn events?

1 Q Okay. Now I want to ask about barn parties  
2 hosted by NPHC organizations, okay?

3 A Uh-huh.

4 Q In your experience at Wake Forest, was it  
5 common for NPHC events at the barn, for the  
6 attendees of those events to comprise of a majority  
7 of non-Wake Forest students?

8 A Yeah. They were usually students somewhere,  
9 but they may not be Wake Forest students.

10 Q And that was the typical case, right? The  
11 majority of attendees were non-Wake students?

12 A Typically.

13 Q And that distinguished barn parties from  
14 lounge parties?

15 A Yeah. That's part of the reason why we had  
16 security there to begin with.

17 Q And that was because you recognized that  
18 events with non-Wake Forest students could present  
19 different and unique risks than events with just  
20 Wake students?

21 A No. They're still college students, but  
22 they're not our students. So we would be there just  
23 to oversee things.

24 Q Since they're not Wake students, Wake hasn't  
25 had a chance to vet those individuals like Wake can

1 danger because sometimes they serve alcohol at those  
2 events.

3 Q The roadway for the wellness center, does it  
4 have a sidewalk along it?

5 A Well, it's the welcome center, but there is  
6 a sidewalk.

7 Q After Goldstein, Dr. Goldstein implemented  
8 the new plan for the barn, was there policies  
9 related to students needing to show -- well, excuse  
10 me, related to -- I'm going to ask that question  
11 again. Did Dean Goldstein's policies that he  
12 implemented related to the barn have anything to do  
13 with these events?

14 A Yeah. Well, I need to clarify something.  
15 We keep referring to that as Dean Goldstein's  
16 policies, but it was more a joint effort with many  
17 different departments. He was just spearheading the  
18 effort. So if I do refer to it as Dean Goldstein's  
19 plan or whatever, it's just to identify which plan  
20 we're talking about and it's not because it was  
21 solely his plan. But there was, you know, a lot of  
22 different things that were contained inside that.

23 Q And, and with part of the plan, was there a  
24 change to an Event Brite system for ticketing?

25 A Yes. I mean, it went through a lot of

1 transformations, you know, and it would have to be  
2 fluid. Not every barn party was always treated the  
3 same.

4 Q And were you at any point made aware that  
5 sometimes tickets -- students or attendees, excuse  
6 me, would buy more than one ticket for a barn event?

7 A I know at one point there were times where  
8 an individual may buy them for a friend or whatever.

9 Q And did you, were you involved in any of the  
10 discussions aimed at addressing the situation where  
11 individuals were buying more than one ticket through  
12 Event Brite?

13 A We had discussions on a lot of the host  
14 organizations. Their goal was to sell as many  
15 tickets as possible to raise money for their, for  
16 their organization. And so there was a lot of  
17 discussions about, you know, how many tickets could  
18 be sold. And, you know, I know that there were some  
19 fraternities that were, like, if this person don't  
20 show up well then, you know, can we sell that ticket  
21 to someone else to earn more money. And Dean  
22 Goldstein was very specific about that saying, you  
23 know, it's just like at the movies. You buy a seat.  
24 That seat is taken. You can't resell that ticket.  
25 And so that was to address overcapacity issues that

1 had been in the past before we started this effort  
2 and it's, it was addressing those issues.

3 Q Are you aware of any policies that were put  
4 in place to prevent students from buying multiple  
5 tickets through Event Brite?

6 A I don't remember.

7 Q At any time when you were working a barn  
8 party, were you made aware that students without  
9 valid college IDs were attempting to get into the  
10 barn?

11 A Yeah. There were times when students, you  
12 know, well, they weren't students because they  
13 didn't have a college ID. I don't know if they were  
14 or not. A lot of them claimed to be, but we needed  
15 to try to make sure they were students and that was  
16 before and after Goldstein.

17 Q That was an ongoing issue based on your  
18 experience?

19 A Yes. It reduced once we implemented the new  
20 plan. It took a little while in the beginning, but  
21 then people started learning that, you know, if you  
22 don't have a college ID, there's no point trying,  
23 you know. And if anybody ever slipped through or  
24 whatever, I don't know. But it seemed to be working  
25 because the amount of people showing up without a

1 Q Is this one of the news articles you  
2 reviewed with Wake Forest's counsel?

3 A Yes.

4 Q And on the second page, would you agree that  
5 there's a quote in the article that's attributed to  
6 you?

7 A Yeah, I see it.

8 Q It reports that you reportedly said three  
9 officers can't handle six fights?

10 A Yes, I see it.

11 Q I believe you testified earlier that if this  
12 is the same document that you don't have a specific  
13 recollection one way or the other of having made  
14 that statement?

15 A I know I attended almost all of the trust  
16 talks functions. I don't remember making that  
17 statement. Looking at the statement, it looks as  
18 though I was discussing the party that we've already  
19 discussed where the fights were inside and went  
20 outside and that was before we implemented the new  
21 plan at the barn and I would agree with that at that  
22 time. But after we implemented the new plan, I  
23 wouldn't. It was based on what we were doing versus  
24 what we changed over to.

25 Q So after the new plan, it was your view that

1       incident, go to the more prioritized incident. And  
2       then when you take care of the more dangerous  
3       incident, you could readdress the incident you was  
4       on. So for them not being able to respond the  
5       incident that they are currently on would have to be  
6       an incident that was just as severe as a fight call.

7           Q       But the location of the other incident that  
8       the officers were responding to impact the amount of  
9       time it took for them to get to the barn?

10          A       It shouldn't impact it more than a minute or  
11       two.

12          Q       And you already said but the nature of the  
13       incident they were responding to could impact  
14       whether those patrol officers could even respond at  
15       all to the barn if it, if there was, if there was a  
16       call for backup?

17          A       Those particular officers, but we still had  
18       mutual aid with Winston-Salem PD as a resource to  
19       call on too in case if that extremely rare situation  
20       should happen.

21          Q       But there was no absolute guarantee that if  
22       backup -- if an officer at the barn working an event  
23       needed backup, backup would be there within one to  
24       two minutes?

25          A       Look, if you want me to say that every

1 STATE OF NORTH CAROLINA

2 COUNTY OF FORSYTH

3 REPORTER'S CERTIFICATE

4 I, Jana Collins, a Notary Public in and for  
5 the State of North Carolina, do hereby certify that  
6 there came before me on Friday, the 19th day of  
7 February, 2021, the person hereinbefore named, who  
8 was by me duly sworn to testify to the truth and  
9 nothing but the truth of his knowledge concerning  
10 the matters in controversy in this cause; that the  
11 witness was thereupon examined under oath, the  
12 examination reduced to typewriting under my  
13 direction, and the deposition is a true record of  
14 the testimony given by the witness.

15 I further certify that I am neither attorney  
16 or counsel for, nor related to or employed by, any  
17 attorney or counsel employed by the parties hereto  
18 or financially interested in the action.

19 The witness, JAMES GRAVELY, was located in  
20 Yadkin County, North Carolina and the reporter, JANA  
21 COLLINS, was located in Forsyth County, North  
22 Carolina during the emergency video notarization.

23 I signed this notarial certificate on the  
24 1st day of March, 2021 according to the emergency  
25 video notarization requirements contained in G.S.

1 10B-25.

2

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*Jana Collins*

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Jana Collins, Notary Public

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Notary Number: 200733100028

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